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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,360	09/14/2000	James P. Hickey	10004339-1	9255
22879	7590	09/12/2005		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER LIN, WEN TAI	
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,360

Applicant(s)

HICKEY ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/12/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 is/are allowed.
- 6) ☒ Claim(s) 1-8, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are presented for examination.
2. Claims 9-15 are allowable.
3. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.
4. Claims 1 and 16-17 are objected to because it is unclear what is the distinction between the managing and non-managing computers. Specifically, the claim languages require that any one of the managing and non-managing computers can be the requesting computer for downloading event data from any of the managed computers. However, **a requesting computer** that can use the log manager file to perform diagnostic or troubleshooting activities **is by its very nature a managing computer**. Thus, even though Applicant intends to set a limitation that any computer in the network can download event data from any other computer, the context that defines a requesting computer further blurs the difference between the so called managing and non-managing computers, and in fact indicates that they are functionally the same.

Claim Rejections - 35 USC § 103

5. Claims 1-8 and 16-17 are rejected under 35 U.S.C. 103(a) as being anticipated by Ote et al. [U.S. Pat. No. 6199180].

6. Ote was cited in the previous office action.

7. As to claim 1, Ote teaches the invention as claimed including: a method for logging event data from at least one peripheral device [col.7, lines 21-50; e.g., a disk is being monitored for any reportable error] operatively connected in a network to a server [col.1, lines 8-23; 161, Fig.1A; i.e., the network OS function as server] using a log manager device driver, the logged event data comprising a log manager file having events of the type which related to performance and fault such as errors and warnings [12113, Fig. 5A; 5054-5055, Fig.11; col.7, lines 21-50] that can be used to perform network diagnostics and troubleshooting [17, 19, Fig.1A; col.4, lines 46-67], said method comprising the steps of:

- registering said log manager device driver with said server to receive all incoming event data from the computers or at least one peripheral device and as a device driver for said log manager file [col.7, lines 21-61; note that both the agent 17 and the SVP driver 19 must be registered with the OS otherwise these two modules won't be recognized by the OS] ;

- receiving said event data by said log manager device driver [col.7, lines 31-35]; and
- responding to a download request for event data from any requesting one of said plurality of computers by said log manager device driver, so that said requesting computer can use said log manager file to perform diagnostic or troubleshooting activities [col.7, line 62- col.8, line 7; note that in a network environment (such as Internet) a server is nominally accessible to any requesting computer via a public line (see, e.g., Ote: col.1, lines 8-24 and Fig.6)],

wherein any of the computers (including managing and non-managing computer) that are interconnected in a network can be the requesting computer [e.g., Fig.4 and col.2, lines 38-47; note that the remote computers that do not connect to the managed computer through a fault monitoring extend board is termed herein as “non-managing” computers (see e.g. the computers at the upper right of Fig.4 or the one connected through the LAN), while those directly connected to the fault monitoring extend board are termed herein as “managing computers” because the latter has capability of handling critical faults].

Ote does not specifically teach that the logged events are of the type relating to completion, connections, processes, terminations and status changes. However, it is obvious that these detailed events are related to the category of either performance or software/hardware faults. It would have been obvious to one of ordinary skill in the art

that Ote's event log may include a widely selected events including those as claimed because Ote teaches that the management system is designed for monitoring and controlling fault and performance of a plurality of computers.

8. As to claim 2, Ote further teaches that said receiving step further comprising the steps of:

- waiting for event data from said at least one application program or said at least one peripheral device by said log manager device driver; and sending event data to said log manager device driver by said at least one application program or said at least one peripheral device [col. 7, lines 51-61].

9. As to claims 16-17, since the features of these claims can also be found in claims 1-2, they are rejected for the same reasons set forth in the rejection of claims 1-2 above.

10. As to claim 3, Ote further teaches that said method further comprising the step of saving said event data in an event recorder by said log manager device driver [col.7, lines 31-35 and 51-61].

Ote does not specifically teach that the event is stored in a queue. However, storing critical events in a queue is well known in the art and it is an obvious option for Ote's collected events to be stored in a queue because by doing so the events can be retrieved in accordance with its occurring sequence.

11. As to claim 4, Ote further teach deleting an oldest event data from said event queue to make available space for new event data when said event queue is full by said log manager device driver [col.7, lines 35-41].

12. As to claim 5, Ote further teaches that said method further comprising the step of:

- sending a download request for log manager file to said server by said requesting computer;
- determining whether said server received said download request by said requesting computer and opening said log manager file from said log manager device driver if said server received said download request by said server [Fig.9]; and
- returning and displaying an error message if said server did not receive said download request by said requesting computer [5055, Fig.11].

13. As to claim 6, Ote TT the returning step further comprising the step of displaying said error message to the user of said requesting computer by said requesting computer [col.7, lines 44-50].

14. As to claims 7-8, Ote further teaches that said opening step further comprising the steps of:

- determining, by said server, whether said log manager file was successfully opened from said log manager device driver;
- returning an error message to said requesting computer when said log manager file was not successfully opened by said server; and
- reading said event data stored in said event queue when said log manager file was successfully opened by said server.

[5033, Fig.9; col.5, line 46- col.6, line 5; i.e., in critical situations when access of the event data could not be attained via the OS, access of such data is still made possible by the direct connection to the SVP board].

15. Applicant's arguments with respect to claims 1-8 and 16-17 on 7/12/2005 have been considered but they are not deemed to be persuasive.

16. In the remarks applicant argues that:

1. Ote's system only engages a local managing computer (e.g., 23, Fig.1A) and a remote managing computer (e.g., 27, Fig. 1B), instead of a plurality of computers including managing and non-managing computers and having the capability of using the event data to perform diagnostic or troubleshooting activities.

17. The examiner respectfully disagrees:

As to point 1: Although the distinction between “managing computers” and “non-managing computers” are self explanatory, the claim languages about a requesting computer further blurs the distinction. That is, **a requesting computer** that can use the log manager file to perform diagnostic or troubleshooting activities **is by its very nature a managing computer**. Thus, unless pointed out by Applicant any example or description in the specification about the difference between them, the prior art rejection maintains that Ote reads on the claims because Ote’s “managing computers” could be further categorized by their capability of handling critical faults.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Art Unit: 2154

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

September 6, 2005

Wen-Tai Lin
9/6/05